

**REMARKS**

Claims 1, 3-6, 9-11, 17, 18, 24-26, and 56-70 are currently pending in the present application, with Claims 1, 4, 17, and 56 being amended and new Claims 57-70 being added.

The Examiner rejected Claims 17 and 18 under 35 U.S.C. § 112, second paragraph as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicant has amended Claim 17 (and hence Claim 18) to more clearly recite the subject matter regarded as the invention, and respectfully submit that the amended claims comply with the requirements of 35 U.S.C. § 112.

The Examiner rejected Claims 1, 3, 5, 6, 10, 11, and 24-26 under 35 U.S.C. § 103(a) as being unpatentable over Krishan et al. (U.S. Patent No. 6,442,529) in view of Official Notice. This rejection is respectfully traversed with respect to the amended claims.

The present invention as claimed is directed to a system and a computer-implemented method offer incentives to consumers who wish to otherwise purchase or acquire a product or service.

As previously communicated, in accordance with a preferred embodiment as recited in Claim 1, a consumer interacting with the claimed system may receive an incentive associated with the computer-assisted purchase or acquisition of the product or service on the precondition that the consumer first receives a sponsor message, which according to the claimed invention is first pre-associated with the for-sale products or services (*e.g.*, an advertisement message for auto insurance may be pre-associated with a news article about new cars being introduced), and that the sponsor message includes an advertisement provided by the sponsor for advertising an unrelated product or

service (i.e., product or service other than the product or service which the consumer seeks to acquire).

As also previously communicated, the present invention offers the advantage of allowing a consumer to acquire a product or a service by having a sponsor effectively helping to carry some or all of the cost associated with the acquisition of the product or service. This also benefits the sponsor of the sponsor message since; that is, by associating the sponsor messages with the products and services, the sponsor messages may be selectively distributed to consumers on a more intelligent basis as opposed to blind mass distribution of advertisement.

Applicant has further amended the claims to clarify that the incentive is offered in real time, and that the incentive is offered upon receiving, from the consumer communication device, a response to an inquiry relating to the presentation of the sponsor message.

Applicant submits that, the Examiner's cited references, even if combined, do not contain any disclosure or suggest at least two limitations of Claim 1 as currently amended.

Krishan is directed to a method for offering discounted or free Internet access by a portal provider. Specifically, Krishan discloses providing to a consumer free hardware and software that enables a consumer to connect to the Internet. In exchange for discounted or free access to the Internet, Krishan teaches storing advertisement messages to the hardware that is provided to the user, and presenting those advertisement messages during idle times (such as when the user is in the process of connecting to the Internet).

Krishan does not disclose nor suggest, *inter alia*, offering incentive related to the purchase of a for-sale product in real time. Furthermore, Krishan does not disclose or suggest sending to a consumer communication device an inquiry relating to the presented sponsor message, and offering

in real time incentives to the consumer upon (and as a result of) receiving a response to the inquiry. Rather, the advertisement messages in Krishan are simply displayed during idle times, without any interaction from the consumer. Krishan does not offer the same advantage as the present invention in increasing the likelihood that the sponsor message is actually viewed by the consumer. Accordingly, Applicant respectfully submit that Claims 1, 3, 5, 6, 10, 11, and 24-26 are not obvious in view of Krishan even if combined with the Examiner's Official Notice.

The Examiner rejected Claim 4 under 35 U.S.C. § 103(a) as being unpatentable over Krishan in view of Official Notice and further in view of the article titled "Free Overnight Shipping from Bravogifts.com Just in Time For Administrative Professionals Day." This rejection is respectfully traversed.

As discussed above, Applicant submits that Krishan does not disclose or suggest sending to a consumer communication device an inquiry relating to the presented sponsor message, and offering incentives as a result of receiving a response to the inquiry. Bravo fails to make up for the deficiencies of Krishan in that Bravo simply discloses the general concept of free shipping. Accordingly, Applicant respectfully submits that Claim 4 is not unpatentable over Krishan, the Official Notice, and Bravo. Furthermore, Applicant traverses the Examiner's combination of Krishan and Bravo in that the two references are directed to very different fields of art (provisioning of free Internet connection on the one hand, and free shipping of goods on the other hand).

The Examiner rejected Claim 9 under 35 U.S.C. § 103(a) as being unpatentable over Krishan in view of Official Notice and further in view of the article titled "Stores Lure Credit-Wary Consumers Retailers Enjoy Range Of Incentives To Draw Applicants." This rejection is respectfully traversed.

Again, Krishan does not disclose or suggest sending to a consumer communication device an inquiry relating to the presented sponsor message, and offering incentives as a result of receiving a response to the inquiry. Foster also fails to make up for this deficiency in that Foster simply discloses the concept of in-store coupons. Applicant further traverse the combination of Krishan and Foster as Krishan is directed to free/discounted Internet access while Foster is directed to a very different field of art of in-store coupons (a concept that has no application whatsoever within the context of Krishan). Accordingly, Applicant respectfully submits that Claim 9 is patentable over Krishan, the Office Notice, and Foster even if the references are properly combined.

The Examiner rejected Claims 17 and 18 under 35 U.S.C. § 103(a) as being unpatentable over Krishan in view of Official Notice and further in view of Kaplan (U.S. Patent No. 5,963,916). This rejection is respectfully traversed.

Again, Krishan does not disclose or suggest sending to a consumer communication device an inquiry relating to the presented sponsor message, and offering incentives as a result of receiving a response to the inquiry. Kaplan fails to make up for this deficiency in that Kaplan is directed only to provisioning of demographic information by a consumer. Accordingly, Applicant respectfully submits that Claims 17 and 18 are not obvious in view of Krishan, the Official Notice, and Kaplan.

The Examiner rejected Claim 56 under 35 U.S.C. § 103(a) as being unpatentable over Krishan in view of Official Notice and further in view of Davis et al. (U.S. Patent No. 6,269,361). This rejection is respectfully traversed.

Again, neither Krishan nor the Official Notice disclose or suggest sending to a consumer communication device an inquiry relating to the presented sponsor message, and offering incentives as a result of receiving a response to the inquiry. Davis fails to make up for these deficiencies in

that Davis is simply directed to the concept of receiving a payment confirmation from a sponsor of the sponsor message. Applicant respectfully submits that Claim 56 is patentable over Krishan, the Official Notice, and Davis.

**Commercial Success and Unexpected Results**

Applicant respectfully traverses the Examiner's treatment of Applicant's submitted evidence to support indicia of commercial success and unexpected results. Applicant submit that the previously provided declaration, along with the provided publications, demonstrate commercial success and unexpected results directly attributable to the novel aspects of the Applicant's invention. The increase popularity of the service at DIA is a direct result of the adaptation of the method and system invented by the Applicant, not as a result of promotions or other aspects. The notion that a consumer may elect for subsidized service rather than pay for the service is the very notion that was responsible for the demonstrated success at DIA. Providing the service "free" to the consumer is an essence of the present invention; and, as the Examiner admits, contributed to the success and unexpected result of the popularity of the service at DIA.

New Claims 57-70 are added to the present application to claim additional inventive features of the present invention, and are respectfully submitted as in condition for allowance.

***Per telephone conference with Examiner Boveja on September 15, 2010, Applicant respectfully requests an in-person interview to further discuss the patentable distinctions of the rejected claims.***

In view of the above, Applicant respectfully submits that each of the presently pending claims in this application is believed to be in condition for allowance. Accordingly, the Examiner is respectfully requested to withdraw the outstanding rejection of the claims and to pass this

application to issue. If it is determined that a telephone conference would expedite the prosecution of this application, the Examiner is invited to telephone the undersigned at the number given below.

In the event the U.S. Patent and Trademark office determines that an extension and/or other relief is required, applicant petitions for any required relief including extensions of time and authorizes the Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this document to Deposit Account No. 03-1952 referencing docket no.513612000200. However, the Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

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Respectfully submitted,

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